

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:11-cr-10-RLY-VTW
)	
JASON HELM,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On February 11, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on September 25, 2020 (Docket No. 62). Defendant Jason Helm appeared via video conference and with his appointed counsel Jonathan Hodge, also via video conference. The government appeared by Nick Linder, Assistant United States Attorney, via video conference. U. S. Probation appeared by Officer Tasha Taylor, via video conference.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Mr. Helm of his rights and provided him with a copy of the petition.
2. Mr. Helm waived his right to a preliminary hearing.
3. The parties advised the Court they had reached an agreement to resolve the allegations in the Petition.
4. After being placed under oath, Mr. Helm admitted Violations 1 through 4.
(Docket No. 62.)

5. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 "The defendant shall notify the probation officer at least ten days prior to any change in residence or employment."**

Mr. Helm last reported residing at the Pine Motel located at 7310 W. Washington Street, Indianapolis, Indiana. On September 18, 2020, the probation officer received information from motel staff indicating he had not been seen on the premises for at least two days prior, and had failed to pay his weekly rent on that day. On September 22, 2020, the probation officer received additional information indicating the offender had not returned to the motel, his room was locked, and he would not be able to access it. As of the filing of this report, his whereabouts is unknown. The offender has not contacted the probation officer to report a new address or to advise of his current location.

- 2 "The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer."**

Pursuant to federal and Indiana State law, within 72 hours, Mr. Helm is required to report to local registration authorities to update the sex offender registry in the event of any change in his status. As of the filing of this report, he has not reported to the Marion County, Indiana, Sheriff's Office to update his registration. This matter is in investigation status at the sheriff's office.

- 3 "The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons."**

From July 7, 2020, until approximately September 14, 2020, Mr. Helm was employed for ULG Companies in Indianapolis, Indiana. According to a representative from the company, he worked last on September 14, 2020, and then stopped reporting for work.

- 4 "The defendant shall participate in a program of treatment for sexual disorders, including periodic polygraph examinations, as directed by the probation officer. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer."**

The offender failed to participate in sex offender treatment sessions at the Indianapolis Counseling Center on November 18, 2019, April 11, 2020, September 12, 2020, and September 19, 2020

6. The parties stipulated that:
 - (a) The highest grade of violation is a Grade B violation.
 - (b) Defendant's criminal history category is 1.
 - (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 4 to 10 months' imprisonment.

7. The parties jointly recommended Mr. Helm be sentenced to 10 months imprisonment followed by a term of supervised release for life.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant VIOLATED the conditions in the Petition, that his supervised release should be REVOKED, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 10 months. Upon completion of the term of imprisonment, the defendant will be returned to supervised release for life.

In addition to the mandatory conditions of supervision, it is recommended the following conditions be imposed to assist the probation officer in supervising Mr. Helm and to ensure the safety of the community.

You shall report to the probation office in the district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.

You shall report to the probation officer in a manner and frequency directed by the court or probation officer.

You shall permit a probation officer to visit you at a reasonable time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.

You shall not knowingly leave the judicial district without the permission of the court or probation officer.

You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.

You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.

You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in residence occupants, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.

You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.

You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.

You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.

You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.

As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and shall permit the probation officer to make such notifications and/or confirm your compliance with this requirement.

You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.

You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.

Substance abuse treatment, testing, and abstinence conditions are recommended to detect illegal drug use and ensure Mr. Helm is provided tools to prevent continued substance use.

You shall participate in a substance abuse or alcohol treatment program approved by the probation officer and abide by the rules and regulations of that program. The probation officer shall supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You shall pay some or all of the costs of such treatment, if financially able.

You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner. You shall follow the prescription instructions regarding frequency and dosage.

You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall pay some or all of the costs of testing, if financially able. You shall not attempt to obstruct or tamper with the testing methods.

Mr. Helm is a convicted sex offender, and the following conditions are recommended to assist the probation officer in monitoring Mr. Helm's behavior and to protect the community.

You shall not have any unsupervised meetings, non-incidental communications, activities, or visits with any minor, unless they have been disclosed to the probation officer and approved by the court. In determining whether to recommend approval of such activities involving members of your family, the probation officer shall determine if you have notified the persons having custody of any such minors about the conviction in this case and the fact that you are under supervision. If this notification has been made, and if the person having custody consents to these activities, then this condition is not intended to prevent recommended approval of the activity.

You shall not be employed in any position or participate as a volunteer in any activity that involves unsupervised meetings, non-incidental communications, activities, or visits with minors except as disclosed to the probation officer and approved by the court.

You shall not participate in unsupervised meetings, non-incidental communications, activities, or visits with persons you know to be a registered sex offender or to have been convicted of a felony sex offense involving an adult or minor, including any child pornography offense, except as disclosed to the probation officer and approved by the court. This condition is not intended to prevent you from participating in mental health treatment or religious services with felons in such programs so long as the activity has been disclosed as described above.

You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.

You shall not possess any obscene material, child pornography, child erotica, or nude images of minors. Any such material found in your possession shall be considered contraband and will be confiscated by the probation officer.

You shall participate in a program of treatment for sexual disorders, including periodic polygraph examinations, as directed by the probation officer. The treatment provider should determine the type and timing of such polygraph examinations. The court authorizes the release of the presentence report and available psychological evaluations to the treatment provider, as approved by the probation officer. You shall pay some or all of the costs of treatment, in accordance with your ability to pay.

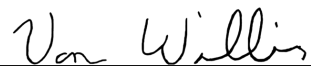
You shall consent, at the direction of the probation officer, to having installed on your computer(s), telephone(s), electronic devices, and any hardware or software, systems to monitor your use of these items. Monitoring will occur on a random and/or regular basis. You will warn other occupants or users of the existence of the monitoring hardware or software. To promote the effectiveness of this monitoring, you shall disclose in advance all cellular phones, electronic devices, computers, and any hardware or software to the probation officer and may not access or use any undisclosed equipment. You shall pay some or all of the costs associated with the monitoring, in accordance with your ability to pay.

You shall not remain at a place for the primary purpose of observing or contacting children under the age of 18.

The defendant acknowledged on the record that he had read and understood the conditions outlined above which were contained in the Revocation Parameters Worksheet.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 2/16/2021



VAN WILLIS
United States Magistrate Judge
Southern District of Indiana

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